

## MINUTES

CASE NUMBER: CR 23-00080 DKW  
CASE NAME: USA v. (1) Dae Han Moon  
ATTYS FOR PLA: Mark A. Inciong  
ATTYS FOR DEFT: (1) Matthew Dennis Mannisto  
USPO: Darsie Ing-Dodson

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JUDGE: Derrick K. Watson

REPORTER: Cynthia Fazio

DATE: 2/21/2024

TIME: 2:00 pm - 3:00 pm

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COURT ACTION: EP: Sentencing to Counts 1 and 2 of the Information as to Defendant Dae Han Moon held.

Defendant Dae Han Moon present, in custody.

Defendant Dae Han Moon plead guilty to Counts 1 and 2 of the Information on 10/19/2023, with a Plea Agreement.

Discussion held re Defendant's objections to the revised Presentence Report.

For reasons as stated on the record, the Court OVERRULED Defendant's Objection No. 1.

As to Objection No. 2, the Court takes no action and is thus Moot.

Court adopts the factual findings of the revised Presentence Report. The Memorandum of Plea Agreement has been accepted by the Court.

Court grants Government's request for a one-level acceptance of responsibility adjustment for Defendant's timely plea pursuant to 3E1.1(b).

Allocution by the Defendant Dae Han Moon.

There are no objections to the sentencing guidelines. Court findings made as to the applicable sentencing guidelines. Court notes the aggravating and mitigating factors related to Defendant Dae Han Moon's Sentencing.

Recommendations by Counsel as to proposed sentence heard. Court's proposed sentence stated. No legal objections to the proposed sentence. Court imposes sentence.

SENTENCE:

Imprisonment: 34 Months as to Count 1 and 60 Months as to Count 2, terms to run consecutive for a total of 94 Months; the 34 Months as to Count 1 will run concurrent with Defendant's undischarged term of state imprisonment in No. CR16-1-1899, while Count 2 would run consecutive to Defendant's state sentence [reduced from a total of 180 Months, pursuant to USSG §5G1.3(b)].

Supervised Release: 3 Years as to Count 1, and 5 Years as to Count 2, to run concurrently.

Fine: None.

Restitution: None.

Special Assessment: \$200.00 (\$100.00 per count).

The 13 Standard Conditions will be part of Defendant's sentence.

CONDITIONS:

You must abide by the mandatory and standard conditions of supervision, including the following conditions:

You must refrain from any unlawful use of a controlled substance. You must submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision. (mandatory condition)

You must cooperate in the collection of DNA as directed by the probation officer. (mandatory condition)

You must report to the probation office in the federal judicial district where you are authorized to reside within 72 hours of the time you are released, unless the probation officer instructs you to report to a different probation office or within a different time frame. (standard condition)

You must abide by the following special conditions:

1. You must participate in an outpatient substance abuse treatment program and follow the rules and regulations of that program. The probation officer, in consultation with the treatment provider, will supervise your participation in the program (such as provider, location, modality, duration, and intensity).
2. As part of the substance abuse treatment regimen and monitoring, you must submit

to substance abuse testing to determine if you have used a prohibited substance. You must not attempt to obstruct or tamper with the testing methods.

3. You are prohibited from using marijuana, synthetic marijuana, any products containing tetrahydrocannabinol, or any other products derived from a marijuana plant, including for medicinal or business purposes, without the prior approval of the Court.
4. You must not engage in any form of gambling (including, but not limited to, lotteries, online wagering, and sports betting) and you must not enter any casino or other establishment where gambling is the primary purpose (such as horse race tracks, off-track betting establishments, gambling houses, and cock fights).
5. You must provide the probation officer access to any requested financial information and authorize the release of any financial information. The probation office may share financial information with the US Attorney's Office.
6. You must submit your person, property, house, residence, vehicle, papers, or office, to a search conducted by a probation officer. Failure to submit to a search may be grounds for revocation of release. You must warn any other occupants that the premises may be subject to searches pursuant to this condition. The probation officer may conduct a search under this condition only when reasonable suspicion exists that you have violated a condition of supervision and that the areas to be searched contain evidence of this violation. Any search must be conducted at a reasonable time and in a reasonable manner.

Defendant Dae Han Moon advised of his right to appeal within 14 days of entry of judgment.

Judicial Recommendation:

1. Defendant to be placed in RDAP - 500 Hour Residential Drug Abuse Program and Substance Abuse Treatment Program;
2. Defendant to receive a Mental Health Assessment and, if needed, treatment;
3. Defendant to enter a Gambling Addiction Program if one is available; and
4. Defendant to receive Vocational and Educational Training.

Government's oral motion to dismiss Counts 1, 7 and 16 of the Third Superseding Indictment in CR 19-00099 DKW-KJM as to Defendant Dae Han Moon is GRANTED.

Mittimus forthwith.

Defendant Dae Han Moon is remanded to the custody of the USMS.

Submitted by: Tammy Kimura, Courtroom Manager